

**From:** B. Charles Reynolds  
**To:** Microsoft ATR  
**Date:** 1/23/02 1:44pm  
**Subject:** microsoft settlement

I would like to add my name to the long, long list of those who are dissatisfied with the proposed settlement of the Department of Justice vs. Microsoft antitrust case. I am especially concerned in the light of the following:

<http://www.macintouch.com/postoffice.html>

I am deeply dissatisfied in the entirety of how this case was handled. No attempt was made to convict under the Rice Anti-Organized Crime act even though the evidence presented at trial shows a long and flagrant history of criminal activities (predicate felony: copyright violation in MS DOS 1.0 and no attempt to license the plagiarized code.)

The proposed settlement does not include prison time for the officers or board of directors [of Microsoft.] It does not include a seizure of all assets of the criminal organization [Microsoft.] It does not include a revocation of all patents and copyrights of the criminal organization [Microsoft.] It does not include a complete dissolution of the criminal organization[Microsoft.]

Furthermore, the federal government maintains software contracts with the criminal organization [Microsoft.] This is not excusable. It encourages the the criminal organization [Microsoft] to continue its activities. Revoking these contracts en masse and replacing the software with alternatives - there may be no competition, but there are alternatives - will inform your employers, the People of the United States of America, that you are actually interested in doing business with legitimate business entities, rather than criminal organizations such as Microsoft.

However, since the prosecution failed to present a case for the Rice Anti-Organized Crime Act and limited prosecution to anticompetitive practices, all of this is immaterial. Still, the settlement is not strong enough. Microsoft Corporation is wealthy enough that no monetary settlement (such as the proposal to supply schools with computers, software and training - which will only INCREASE Microsoft's position in the

marketplace) will satisfactorily harm the company.  
Definitions of terms such as API, Microsfot  
Middleware, Microsoft Middleware Product and Windows  
Operating System Product are not strong enough and  
leave too many holes for the criminal organization  
[Microsoft] to exploit to the continuation of the  
Applications Barrier to Entry (Findings of Fact,  
Paragraph 52.)

I hope my comments are helpful.

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